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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 RICHARD A. KIRKHAM,) CASE NO. C05-1274-RSM
06 Plaintiff,)
07 v.)
08 J.I. BELFORD,) ORDER OF DISMISSAL
09 Defendant.)
10 _____)

11 The Court, having reviewed plaintiff's complaint, defendant's motion for summary
12 judgment, the Report and Recommendation of the Honorable Mary Alice Theiler, United States
13 Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- 14 (1) The Court adopts the Report and Recommendation;
15 (2) Defendant's motion for summary judgment (Dkt. 25) is GRANTED;
16 (3) Plaintiff's complaint and this action are DISMISSED without prejudice; and
17 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
18 defendant, and to the Honorable Mary Alice Theiler.

19 DATED this 16 day of November, 2009.

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22 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE